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A4

Appl. No. : 09/827,802  
Confirmation No. : 6870  
Applicant : Robert Lawrence Prosise, et al.

Filed : April 6, 2001  
Title : TRADITIONAL SNACKS  
HAVING BALANCED  
NUTRITIONAL PROFILES

TC/A.U. : 1761  
Examiner : Pratt, Helen F.

Docket No. : 066544-9007-01

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Mary A. Kocaja, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

*Mary A. Kocaja*  
\_\_\_\_\_  
Signature  
7/29/04  
\_\_\_\_\_  
Date of Signature

**INTERVIEW SUMMARY**

Sir:

This summarizes the substance of telephonic interviews between the Examiner and the undersigned on May 3, 2004 pertaining to BACKER, T., Multifunktioneller FullstoffEine Weizenfaser Schafft Neue Moglichkeiten, Lebensmitteltechink, 1996, pgs. 58-59, Vol. 28, No. 5 Hamburg, Germany (the "Reference"). The undersigned and the Examiner discussed the status of the Reference as prior art in this application. In particular, the interview included a recounting of several events. Applicant cited the Reference in an information disclosure statement (IDS) filed September 30, 2003. The Examiner acknowledged the Reference by initialing the IDS.

During prosecution of a corresponding European application assigned to the assignee of the present application, the European Examiner also cited the Reference in the corresponding application. Consequently, the Applicant obtained a full English translation of the Reference in conjunction with prosecution of the European application. At that time, it came to the Applicant's attention that the Reference had been submitted erroneously only in the German language to the U.S. Patent Office, i.e., the Examiner did not have the benefit of the English language translation.

The undersigned communicated this information to the Examiner on May 3, 2004. The undersigned requested the Examiner's guidance regarding how to proceed with respect to the following patent applications, which the Examiner had examined, and for which an English translation of the Reference had not been provided: U.S. Application Nos. 09/828,016, 09/827,863, 09/827,802, 09/827,436, 09/828,018, and 09/828,015. The last three applications had already issued as U.S. Patent Nos. 6,720,015, 6,716,462, and 6,726,943, respectively, on April 6, 2004, April 13, 2004 and April 27, 2004. It was agreed that the undersigned would fax a copy of the English translation to the Examiner for her consideration. Accordingly, on May 3, 2003, the undersigned faxed a copy of the Reference to the Examiner.

On May 4, 2004, the Examiner, having reviewed the Reference, contacted the undersigned and left a voicemail, an excerpt from which has been transcribed and is set forth below:

This is Examiner Pratt at the Patent Office calling about that reference that you sent on like [Sic] the first case 09/828,016. It is a multi-functional filler material. I looked at the reference and it is, of course, to a fiber, but it doesn't give as claimed now the particle size or the water absorbency. I don't see how we can tell from that reference just what those things would be. You know they do put [it] into foods, but it doesn't give the other limitations of the claims – amino acid amount or amount of fat, so I don't think the reference would cause us to have to reopen prosecution.

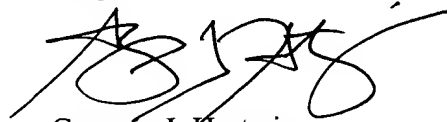
U.S. Application No. 09/828,016 and the present application each have claims reciting particle size, water absorbency, amino acid amount and amount of fat.

The Applicant agrees with the Examiner's conclusion that this reference does not justify reopening prosecution, particularly, because the Reference does not teach "the other limitations of the claims – amino acid amount or amount of fat." In the spirit of candor, the Applicant notes that the Reference discloses Vitacel, a dietary fiber known in the art. The Applicant's specification indicates that examples "of insoluble dietary fibers having an active level of at least 75%, a particle size less than 150 microns, preferably 50 microns and a water absorption of less than about 7.0 grams water per gram of fiber include: Vitacel ...." See, page 19.

The undersigned faxed a copy of the interview summary for U.S. Application No. 09/827,802 to the Examiner on July 26, 2004 for her review before formal submission. The Examiner approved the interview summary on July 27, 2004, and indicated similar interview summaries should be submitted for each of the other five applications identified above.

In summary, because the Examiner concluded that reopening prosecution on the merits would be unnecessary, the Applicant respectfully requests that a copy of the English translation merely be placed in the application's file.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory J. Hartwig', with a large, stylized flourish extending from the end of the signature.

Gregory J. Hartwig  
Reg. No. 46,761

Docket No.: 066544-9007-01  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1761

In re

Patent Application of

Robert Lawrence Prosise, et al.

Application No. 09/827,802

Confirmation No.: 6870

Filed: April 6, 2001

Examiner: Pratt, Helen F.

"TRADITIONAL SNACKS HAVING  
BALANCED NUTRITIONAL PROFILES"

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 CFR §1.97(i)


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is directed to the references which are listed on the attached Form PTO/SB/08A and/or PTO/SB/08B and copies of which are attached for inclusion in the file of the above-identified application pursuant to 37 CFR §1.97(i). Applicant does not wish to abandon or withdraw this application.

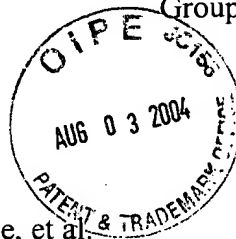
No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,

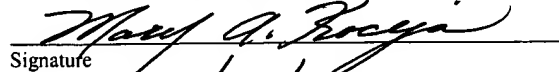
  
Gregory J. Hartwig  
Reg. No. 46,761

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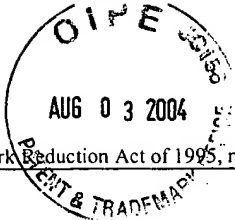
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Milwaukee, Wisconsin 53202-4108  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

**Complete if Known**

Application Number	09/827,802
Filing Date	April 6, 2001
First Named Inventor	Robert Lawrence Prosise
Group Art Unit	1761
Examiner Name	Helen Pratt
Attorney Docket Number	066544-9007-01

Sheet

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of

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**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**Examiner  
Initials

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc. ), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.

BACKER, T., Multifunktioneller FullstoffEine Weizenfaser Schafft Neue Moglichkeiten, Lebensmitteltechink, 1996, pgs. 58-59, Vol. 28, No. 5 Hamburg Germany. (English Translation)

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**Examiner  
Signature****Date  
Considered**

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.  
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